

Appl. No. 09/809,444
Reply to Office Action of August 4, 2005

REMARKS/ARGUMENTS

Reconsideration of the rejections set forth in the Office Action dated August 8, 2005. Claims 1-30 are currently pending and have been rejected.

Claim 10 has been amended to include similar limitations as recited in claim 1.

Rejections under 35 U.S.C. § 103

Claims 1-3, 7-18, and 22-30 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,640,394 issued to Schrier et al. (hereinafter "Schrier") in view of U.S. Patent No. 6,349,337 issued to Parsons, Jr. et al. (hereinafter "Parsons"). Claims 4-6 and 19-21 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Schrier in view of Parsons and further in view of U.S. Patent No. 6,032,154 issued to Coleman et al. (hereinafter "Coleman").

1. Independent Claims 1, 10, 12, and their respective dependents

Independent claim 1 recites a method which includes receiving a message to load a first protocol stack, and determining whether the first protocol stack can be loaded. If the first protocol stack cannot be initially loaded, then the second protocol stack is unloaded. After the second protocol stack is unloaded, the first protocol stack is loaded. The second protocol stack is selected from a plurality of protocol stacks that does not include the first protocol stack.

The Examiner has explicitly acknowledged, on page 3 of the Office Action dated August 8, 2005, that Schrier fails to teach selecting a second protocol stack to be unloaded, wherein selecting the second protocol stack to be unloaded includes selecting the second protocol stack to be unloaded from a plurality of protocol stacks not including the first protocol stack. However,

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the Examiner has argued that Parsons teaches such a limitation. The Applicant respectfully disagrees. In the Abstract of Parsons, Parsons discloses:

“... When a user connects to the server via a first client, the stack protocol manager assigns a first protocol stack to this first client-server connection and the session manager creates a first session for the user. When the user subsequently reconnects to the server using a second client that is different from the first client, the stack manager assigns a second protocol stack to a second client-server connection and the session begins creating a second session for the user....” [emphasis added]

All Parsons appears to discuss is assigning first and second protocol stacks to create sessions for a user. It is not clear to the Applicant why the Examiner cites the Abstract of Parsons as teaching of selecting a second protocol stack to be unloaded, as there is no suggestion in the Abstract of selecting a second protocol stack to be unloaded from a plurality of protocol stacks that do not include a first protocol stack. Parsons does not teach or suggest selecting a second protocol stack to be unloaded. Further, Parsons does not teach in the Abstract of the second protocol stack being included in a plurality of protocol stacks that does not include a first protocol stack. Assigning a second protocol stack is not the same as, and does not reasonably suggest, selecting the second protocol stack to be unloaded from a plurality of protocol stacks.

It is noted that Fig. 8 of Parsons appears to show a plurality of protocol stacks. However, in the corresponding description at lines 32-60 of column 12 of Parsons, Parsons only mentions that a protocol stack 94(1) is associated with session 1 and that a second protocol stack 94(2) is associated with session 2. There is no teaching or suggestion of selecting a second protocol stack to be unloaded from a plurality of protocol stacks. At best, Parsons appears to disclose selecting a second protocol stack to be associated with a different session than is associated with a first protocol stack. As such, since a combination of Schrier and Parsons does not reasonably suggest selecting a second protocol stack to be unloaded from a plurality of protocol stacks that do not include a first protocol stack, claim 1 is believed to be allowable for at least this reason.

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Schrier is generally directed to methods of operating two protocol stacks that implement the same protocol. The reference describes that this situation can occur if the same protocol is implemented in one protocol stack in real mode for MS-DOS and one protocol stack for protected mode of WINDOWS (Schrier, column 3 at lines 57-63). Schrier describes that a stack manager is unable to differentiate which protocol stack to use (Schrier, column 4 at lines 29-34). It appears that both protocol stacks of Schrier are loaded, otherwise there would be no issue with two protocol stacks that implement the same protocol, *i.e.*, Schrier teaches that a first protocol stack and a second protocol stack are such that both can be loaded at the same time. The stack manager of Schrier is not able to differentiate between two loaded protocol stacks, and, therefore, must transfer communications responsibilities for applications onto a single loaded protocol stack. There is no determination of whether a protocol stack can be loaded, as both protocol stacks taught by Schrier are loaded, and the issue addressed by Schrier has to do with switching from a real mode of operation (which uses a real mode protocol stack) to a protected mode of operation (which uses a protected mode protocol stack).

Schrier appears to address the problem of a stack manager not able to differentiate between two loaded protocol stacks. Schrier does not appear to teach of receiving a message to load a first protocol stack. Schrier appears to suggest receiving a request to run a protected mode version after a real mode is operating, but does not teach or even suggest receiving a message to load the first protocol stack. There is also no teaching in Schrier of determining whether the first protocol stack can be loaded.

Schrier teaches terminating a second protocol stack and then transferring responsibilities of applications using the second protocol stack to a first protocol stack when a protected mode version of the first protocol stack is to be run (Schrier, column 4 at lines 24-27). It is respectfully submitted that transferring responsibilities of applications to a different protocol stack when the different protocol stack is to be run is not the same as, and does not suggest, receiving a message to load a first protocol stack, determining whether the first protocol stack can be loaded, and unloading the second protocol stack if the first protocol stack cannot be initially loaded. As Parsons does not overcome these deficiencies of claim 1, claim 1 is believed to be allowable over Schrier and Parsons for at least the reasons set forth.

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Claims 2-9, 29, and 30 each depend either directly or indirectly from claim 1 and are, therefore, each believed to be allowable over the cited art for at least the reasons set forth with respect to claim 1. Each of these dependent claims recites additional limitations which, when considered in light of claim 1, are believed to further distinguish the claimed invention over cited art. By way of example, claim 29 recites that selecting a second protocol stack from a plurality of protocol stacks includes at least one of determining when the second protocol stack is in use, determining an amount of memory the second protocol stack needs to be loaded, and determining whether the second protocol stack is compatible with the first protocol stack. On page 6 of the Office Action Dated August 4, 2005, the Examiner has acknowledged that Schrier fails to teach the limitations of claim 29. However, the Examiner has argued that Parsons teaches the limitations of claim 29. With all due respect to the Examiner, the Applicant submits that Parsons does not appear to teach, either in the passages cited by the Examiner or in other passages, of determining when a second protocol stack is in use. At best, Parsons appears to disclose assigning a second protocol stack to a second session, assigning a second protocol stack does not suggest determining whether the second protocol stack is in use. The Applicant is also unable to locate any passage in Parsons which teaches determining an amount of memory the second protocol stack needs to be loaded.

Parsons also does not appear to disclose determining whether a second protocol stack is compatible with a first protocol stack. In his argument that Parsons teaches determining whether a second protocol stack is compatible with a first protocol stack, the Examiner cites the following passage at lines 24-25 of column 13 of Parsons:

“...the system configuration of the second and third computing devices include parameters selected from a group....”

The above passage of Parsons appears to disclose only that second and third computing devices have system configurations. Contrary to the Examiner's assertions, it does not appear that there is any teaching in this passage of different system configurations. However, the Applicants note that even having different system configurations does not suggest determining whether protocol stacks are compatible. The Examiner has further stated, on page 7 of the Office Action dated

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August 4, 2005, that "... a determination that the first and second protocol stacks are not compatible, because the clients have 'different configuration.'" It is respectfully submitted that there is no teaching that different configurations are not compatible, and it is noted that different configurations may indeed be compatible. For instance, computing systems may have different configurations and still be compatible with each other. Therefore, claim 29 is believed to be allowable over the cited art for at least these additional reasons.

Independent claims 10 and 12 recite similar limitations as recited in amended claim 1. Therefore, claims 10, 12, and their dependents are each believed to be allowable over the cited art for at least the reasons set forth above with respect to claim 1.

2. *Independent Claims 14, 25, 27, and their respective dependents*

Independent claim 14 recites a method which includes sending a message from a first node to a second node to load a first protocol stack. The method also includes the second node receiving the message to load the first protocol stack, the second node determining whether the first protocol stack can be loaded, the second node selecting a second protocol stack from a plurality of protocol stacks, and the second node unloading a second protocol stack if the first protocol stack cannot be initially loaded on the second node. Finally, the method includes the second node loading the first protocol stack.

Claim 14 includes some similar limitations as recited in claim 1. As such, claim 14 is believed to be allowable over Schrier and Parsons for at least the reasons set forth above with respect to claim 1.

The Examiner has stated on page 5 of the Office Action dated August 8, 2005 that claim 14 is a variation of claim 1. The Examiner has broadly stated that the combination of cited art teaches or suggests all limitations corresponding to the claimed method. It is respectfully submitted that claim 14 recites limitations which are not included in claim 1 and are also neither taught nor suggested by Schrier or Parsons, alone or in combination. For example, claim 14

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recites that a first node sends a message to a second node to load a first protocol stack. The Examiner has not addressed this limitation, and the Applicant is unable to determine why the Examiner considers the prior art as teaching or suggesting this limitation. Applicant respectfully submits that there is no teaching in the cited art of first and second nodes, let alone a first node that sends a message to a second node to load a first protocol stack. The Examiner has not addressed the limitations of a first node sending a message to a second node to load a first protocol stack, or of a second node receiving the message to load the first protocol stack. The Applicant would greatly appreciate it if the Examiner would provide details on how he believes Schrier and Parsons suggest such a limitation, so that the Applicant can properly address the rejections of claim 14. As neither Schrier nor Parsons, alone or in combination, appears to teach or reasonably suggest the limitation of a first node sending a message to a second node (e.g., a message to load a first protocol stack), claim 14 is believed to be allowable over the cited for at least this reason as well.

Claims 15-24 each depend either directly or indirectly from independent claim 14 and, hence, are each believed to be allowable over the cited art for at least the reasons set forth above with respect to claim 14. Each of these dependent claims recites additional limitations which, when considered in light of the limitations in claim 14, are believed to further distinguish the claimed invention over the art of record. By way of example, claim 24 recites that a message sent from a first node to a second node specifies portions of a first protocol stack that are to be loaded on a second node. Although the Examiner indicates on page 5 of the Office Action dated August 4, 2005 that claim 24 constitutes a variation of the method previously rejected in the present office action, and that the combination of cited prior art teaches or suggests all the limitations corresponding to the claimed method, the Applicants respectfully submit that the Examiner has not shown how a combination of the cited art teaches or suggests that a message sent from a first node to a second node specifies portions of a first protocol stack that are to be loaded on a second node. The Applicant would be most grateful to the Examiner if the Examiner would clarify how he believes that the cited art teaches the limitations of claim 24. Even if, for the sake of argument, Schrier somehow teaches that portions of a protocol stack are to be loaded (as argued by the Examiner on page 4 of the Office Action dated August 4, 2005), there is no teaching or suggestion in Schrier or any of the other cited art that a message sent from a first

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node to a second node specifies portions of a first protocol stack that are to be loaded on the second node. Therefore, claim 24 is believed to be allowable for at least this additional reason.

Claims 25 and 27 recite similar limitations as recited in amended claim 14. Therefore, claims 25, 27, and their dependents are all believed to be allowable over the cited art for at least the reasons set forth above with respect to claim 14.

Conclusion

For at least the foregoing reasons, the Applicant believes all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (650) 694-5339.

It is believed no fee is due at this time. However, should the Examiner disagree, he is authorized to charge our Deposit Account No. 19-2179. Please also charge this deposit account, at any time during the pendency of this application, for any additional fees required, or credit any overpayment, pursuant to 37 CFR §1.25.

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